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Chair: Ms. Mejía Vélez ..... (Colombia)

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The meeting was called to order at 10.00 a.m.

Agenda item 68: Promotion and protection of human rights (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/C.3/71/L.37)

Draft resolution A/C.3/71/L.37: Globalization and its impact on the full enjoyment of all human rights

1. **Mr. Moussa** (Egypt), introducing draft resolution A/C.3/71/L.37, said that it addressed the correlation between globalization, the various global economic and financial downturns faced by the international community, and the realization of all human rights and fundamental freedoms. The United Nations human rights framework must ensure the balance between civil and political rights on one hand, and economic, social and cultural rights on the other. The draft resolution also emphasized that development should be at the centre of the international economic agenda; underscored the right to development; stressed the importance of addressing the development gap between and within countries in order to mitigate the negative impact of globalization; and also urged transnational corporations and other enterprises to conduct their business operations in a responsible manner.

2. **Mr. Khane** (Secretary of the Committee) said that Algeria, Angola, Bahrain, Bangladesh, Belarus, Benin, Bolivia (Plurinational State of), Burkina Faso, Burundi, Cabo Verde, Cameroon, Central African Republic, Cuba, Djibouti, Dominican Republic, Ecuador, Ethiopia, Ghana, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Jordan, Kenya, Kuwait, Lebanon, Libya, Madagascar, Mali, Mauritania, Morocco, Nicaragua, Niger, Nigeria, Oman, Pakistan, Papua New Guinea, Qatar, Saint Lucia, Saudi Arabia, Senegal, South Africa, Sudan, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen and Zimbabwe had joined the sponsors. The draft resolution had no programme budget implications.

Agenda item 27: Advancement of women (*continued*) (A/C.3/71/L.15/Rev.1)

Draft resolution A/C.3/71/L.15/Rev.1: Intensifying global efforts for the elimination of female genital mutilation

3. **Ms. Soulama** (Burkina Faso), introducing draft resolution A/C.3/71/L.15/Rev.1 on behalf of the Group of African States, said that the resolution expressed a common wish to end a terrible practice and adopt a zero-tolerance policy on female genital mutilation.

4. **Mr. Khane** (Secretary of the Committee) said that Albania, Andorra, Australia, Austria, Bahamas, Belgium, Bolivia (Plurinational State of), Bosnia and Herzegovina, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Haiti, Hungary, Iceland, Iraq, Ireland, Israel, Jamaica, Japan, Jordan, Latvia, Liechtenstein, Lithuania, Luxembourg, Maldives, Malta, Monaco, Montenegro, Netherlands, New Zealand, Nicaragua, Norway, Panama, Papua New Guinea, Paraguay, Peru, the Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay and Venezuela (Bolivarian Republic of) had joined the sponsors.

5. *Draft resolution A/C.3/71/L.15/Rev.1 was adopted.*

Agenda item 60: Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions (*continued*) (A/C.3/71/L.44)

Draft resolution A/C.3/71/L.44: Office of the United Nations High Commissioner for Refugees

6. **The Chair** said that the draft resolution had no programme budget implications.

7. **Mr. Khane** (Secretary of the Committee) said that Albania, Andorra, Argentina, Armenia, Australia, Azerbaijan, Bosnia and Herzegovina, Burkina Faso, Chile, Colombia, Costa Rica, Cyprus, Czech Republic, Estonia, Ethiopia, Georgia, Haiti, Honduras, Iceland, Latvia, Lithuania, Madagascar, Mexico, Monaco,

Mongolia, Montenegro, Morocco, New Zealand, Niger, Nigeria, Panama, Paraguay, the Philippines, Portugal, Republic of Korea, Republic of Moldova, Romania, Serbia, Slovenia, Thailand, the former Yugoslav Republic of Macedonia, Turkey, Uganda, Ukraine, United Republic of Tanzania and Uruguay had joined the sponsors.

8. **Ms. Mendelson** (United States of America) said that her delegation was joining the consensus to underscore its commitment to the work of the Office of the High Commissioner for Refugees, whose operations must focus on alleviating suffering and providing principled and impartial needs-based assistance. However, as the draft resolution contained elements that ran counter to such principles of humanitarian action, her delegation could not sponsor it; it wished to express reservations regarding the language of paragraph 13. It was unacceptable for States to impede any humanitarian organization from meeting the needs of suffering populations, including internally displaced persons. States who denied humanitarian access could not rely on resolutions of the United Nations to justify their inhumane actions. The Guiding Principles on Internal Displacement stressed the importance of international humanitarian organizations and the fact that their offers to help must not be regarded as interference in a State's internal affairs. The competent authorities had the primary authority to establish conditions that would allow internally displaced persons to voluntarily and safely return home or settle elsewhere within their country. States should not arbitrarily withhold consent, especially when they themselves could not meet the needs of the populations affected. Her delegation rejected the argument that the draft resolution created new limitations to further constrain the operations of the Office, and would work to ensure that the current language was not repeated in future humanitarian resolutions.

9. **Ms. Kirianoff Crimmins** (Switzerland), also speaking on behalf of Liechtenstein and New Zealand, said that the primary obligation of States to meet the basic needs of their populations, including those of internally displaced persons, was enshrined in international law. While her delegation recognized the importance of international organizations respecting national efforts, it reminded the Committee of the right of initiative of humanitarian organizations as stipulated by article 3 of the Geneva Conventions: humanitarian access to a civilian population could not be arbitrarily denied. Internally displaced persons must be treated in accordance with international humanitarian law, international human rights, the Guiding Principles on Internal Displacement and, on the African continent in particular, with the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa.

10. **Mr. Shearman** (United Kingdom) said that his delegation would join the consensus to demonstrate its support for the draft resolution. Internally displaced persons were amongst the most vulnerable populations in the world: their specific needs must be addressed in alignment with the Guidelines. Consent to the provision of humanitarian assistance must not be arbitrarily withheld to ensure protection for internally displaced persons. However, as the draft resolution did not fully reflect that principle, his delegation had made the unprecedented decision not to sponsor the resolution due to disagreement regarding paragraph 13.

11. **Mr. Amorós Núñez** (Cuba) said that, with regard to paragraph 18, those who incited or contributed to international armed conflict must assume responsibility for the refugees engendered by such conflicts. Only through genuine international cooperation would it be possible to help refugee host and origin countries. Paragraph 20 must be considered without prejudice to the results of the discussion on the quadrennial comprehensive policy review on operational activities currently underway, nor with regard to the principle of voluntary acceptance.

12. **Mr. Kollar** (Slovakia), speaking on behalf of the European Union and its member States, said that according to international humanitarian law, States had the primary obligation to meet the basic needs of the population under their control, including, if needed, by allowing neutral, humanitarian relief. Consent to humanitarian relief must not be withheld arbitrarily and the specific needs of internally displaced persons must be addressed in accordance with the Guidelines.

13. *Draft resolution A/C.3/71/L.44 was adopted.*

Agenda item 66: Elimination of racism, racial discrimination, xenophobia and related intolerance (*continued*)

(a) Elimination of racism, racial discrimination, xenophobia and related intolerance (*continued*) (A/C.3/71/L.45/Rev.1)

Draft resolution A/C.3/71/L.45/Rev.1: Combating glorification of Nazism, neo-Nazism and other practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance

14. **The Chair** said that the draft resolution had no programme budget implications.

15. **Mr. Viktorov** (Russian Federation), introducing the draft resolution, said that it had been seventy years since the establishment of the Nuremberg Tribunal and the creation of the United Nations. Victory in the Second World War had been crucial to forging a framework for the protection of human rights, which included the Universal Declaration of Human Rights and the International Convention on the Elimination of All Forms of Racial Discrimination. Such fundamental instruments had been the response of the United Nations to the crime of Nazism and policies violating human dignity.

16. Nevertheless, attempts were still being made to falsify history. The draft resolution dealt with human rights issues encountered daily. Since the adoption the previous year of the equivalent draft resolution, those problems had in many cases been exacerbated rather than resolved. The migration crisis, which had been triggered by the senseless policy of intervening in the domestic affairs of other sovereign States, had contributed to the emergence of racist and xenophobic discourse and calls to drive out immigrants and so-called foreign elements.

17. Some countries were waging a war against monuments honouring those who had fought against Nazism, holding annual pro-Nazi marches and unveiling memorials to people who had fought alongside or collaborated with Hitler's Germany and to perpetrators of war crimes or crimes against humanity. In some European countries, including those that had been occupied during the Second World War and whose heroic peoples had significantly contributed to the downfall of the Nazis, those who had fought against the anti-Hitler coalition or had collaborated with the Nazis were being extolled as national heroes or champions of national liberation movements. That phenomenon was an example not of political correctness, but of blatant cynicism and blasphemy with respect to those who had freed the world from the horrors of National Socialism. It involved criminally punishable acts, as stipulated in article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination.

18. Sponsors of the draft resolution considered it reprehensible to glorify those involved in the crimes of Nazism and whitewash the crimes of former SS and Waffen SS members. Such fuelling of contemporary forms of racism, racial discrimination, xenophobia and related intolerance was cause for grave concern.

19. Adoption of the draft resolution with the broadest possible support of Member States would contribute enormously to efforts aimed at eliminating racism, racial discrimination, xenophobia and intolerance. Its adoption was a duty not only towards those who had founded the United Nations, but also towards the future generations they had sought to free from the horrors of war forever.

20. **Mr. Khane** (Secretary of the Committee) said that Algeria, Armenia, Brazil, Burkina Faso, Central African Republic, Congo, Cote d'Ivoire, Ethiopia, Gambia, Ghana, Guinea-Bissau, Guyana, Jordan, Mali, Niger, Nigeria, the Philippines, Rwanda, Serbia, Sierra Leone, South Sudan, Tunisia, Uganda and the United Republic of Tanzania had joined the sponsors.

21. **Ms. Belskaya** (Belarus), speaking on behalf of the Collective Security Treaty Organization (CSTO), said that the States members of her Organization fully supported the draft resolution, which coincided with the seventieth anniversary of victory in the Second World War and the establishment of the Nuremberg Tribunal. Many important international legal norms of the contemporary world were directly descended from the Nuremberg Tribunal and continued to contribute to international criminal and humanitarian law. International justice should be the result of collective efforts towards strict observance of international law and impartiality.

22. CSTO member States strongly condemned attempts to rewrite history and the outcomes of the

Second World War and called on the international community to falsify history or negate the conclusions of the Nuremberg Tribunal. Any attempts to glorify neo-Nazism, as well as aggressive nationalism, or to celebrate people who had committed atrocities in collaboration with the Nazis during the Second World War were abhorrent.

23. Countries which had overcome fascism must likewise combat neo-fascism, chauvinism and other forms of xenophobia, as well as the popularization of radical nationalism, including among youth. However, creating new dividing lines, closing borders and intervening in the internal affairs of sovereign States only engendered enmity, tension and confrontation. Member States had the responsibility to prevent intolerance and discrimination and set an example by remembering the victims of Nazism. The Charter of the United Nations and the norms of international law must remain the basis for peace and stability.

24. **Mr. Qassem Agha** (Syrian Arab Republic) said that the draft resolution was balanced and comprehensive and embodied principles enshrined in the Charter of the United Nations and several international human rights instruments, including the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination. The draft resolution would help raise awareness of the suffering of the victims of racism, racial discrimination, xenophobia and related intolerance and strengthen the efforts of the international community to counter Saudi Wahhabi terrorism and eradicate Islamic State in Iraq and the Levant (ISIL) and the variously-named groups affiliated with Nusrah Front that were being armed and bankrolled by the Qatari regime. His delegation would thus vote in favour of the draft resolution.

25. **Mr. Yaremenko** (Ukraine) said that his country had paid a very high price in its contribution to the victory over Nazism, as over eight million Ukrainians had lost their lives. Ukraine strongly condemned all forms of Nazism, neo-Nazism and other practices that contributed to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance. However, the draft resolution had nothing in common with that struggle but rather reflected a manipulation of history and the essence of the Nuremberg Tribunal by the Russian Federation in pursuit of its aggressive political interests. Bearing in mind the secret Molotov-Ribbentrop Pact of 1939, Ukraine had suggested a number of edits to the draft resolution during the negotiation process, from a balanced and impartial perspective. However, that approach had been rejected by the Russian Federation.

26. His delegation condemned the attempt by the Russian Federation to present itself as a champion of the struggle against Nazism and neo-Nazism, all the while repeating crimes against entire nations. It was deeply concerned by the unprecedented rise in radicalism, aggressive nationalism, neo-Nazism and xenophobia in the Russian Federation, which should be a cause for serious concern for the international community and for Russia itself. Since the draft resolution was motivated by propaganda, his delegation would vote against it.

27. **Ms. Amadeo** (United States of America) said that her delegation condemned the glorification of Nazism and all modern forms of racism, xenophobia, discrimination and related intolerance. Her Government was an active partner in promoting remembrance of the Holocaust and other genocides worldwide, and continued to lead efforts to bring the perpetrators of such crimes to justice. More broadly, it unreservedly condemned all forms of religious and ethnic intolerance or hatred, domestically and around the world. Nevertheless, her delegation could not support the draft resolution because it was politicized, called for unacceptable limits on the fundamental freedom of expression, and continued to have an overly narrow scope.

28. Her delegation continued to be concerned that the Russian Federation was using the draft resolution to carry out political attacks on its neighbours. While her delegation shared concerns over the rise in hate speech around the world, the draft resolution's recommendations to limit freedom of expression, freedom of association and the right to peaceful assembly contravened the principles enshrined in the Universal Declaration of Human Rights and must be opposed. Similarly, States must refrain from invoking article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination and article 20 of the International Covenant on Civil and Political Rights in order to limit freedom of expression or as an excuse for failing to take effective measures to

combat intolerance in its many forms. Her Government would thus vote against the draft resolution.

29. *At the request of the delegation of the United States of America, a recorded vote was taken on draft resolution A/C.3/71/L.45/Rev.1.*

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cabo Verde, Cambodia, Cameroon, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gabon, Gambia (Islamic Republic of the), Ghana, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iraq, Israel, Jamaica, Jordan, Kazakhstan, Kenya, Kiribati, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Liberia, Libya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Serbia, Seychelles, Sierra Leone, Singapore, Somalia, South Africa, South Sudan, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Togo, Tunisia, Turkmenistan, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Palau, Ukraine, United States of America.

Abstaining:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Montenegro, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Tonga, Turkey, United Kingdom of Great Britain and Northern Ireland.

30. *Draft resolution A/C.3/71/L.45/Rev.1 was adopted by 131 votes to 3, with 48 abstentions.*

31. **Mr. Ružička** (Slovakia), speaking on behalf of the European Union; the candidate countries Albania, Montenegro and the former Yugoslav Republic of Macedonia; and, in addition, Georgia and the Republic of Moldova, said that the European Union remained fully committed to the global fight against racism, racial discrimination, xenophobia and related intolerance. The fight against contemporary forms of all extremist ideologies, including neo-Nazism, must be a consensual priority for the entire international community through the full implementation of the International Convention on the Elimination of All Forms of Racial Discrimination. The European Union continued to believe that all contemporary forms of racism and discrimination should be addressed in an impartial, balanced and comprehensive way in the draft resolution, with a clear focus on human rights.

32. The European Union welcomed the open, inclusive and transparent informal consultations on the draft resolution, and the fact that some of its proposals had been taken into consideration. Nevertheless, a number of important concerns remained, and several essential European Union proposals, including compromise language, had been dropped. It was regrettable that the draft resolution continued to underscore issues that were unrelated to combating racism and discrimination. Centring the fight against racism on the teaching of history, monuments, memorials or erroneous references to national liberation movements or other politically motivated issues fell outside the scope of the human rights agenda and provided a one-sided view of history, as shown by the attempts to justify the Molotov-Ribbentrop Pact. The European Union paid tribute to the historic role of the allied forces in the defeat of Nazism during the Second World War, whose end had

brought painful divisions in many European countries, occupation and more crimes against humanity rather than freedom. It was thus regrettable that the proposal to include references to all totalitarian regimes in the draft resolution had not been taken on board. There was also concern about language that addressed too restrictively the fundamental right to freedom of expression, freedom of association and peaceful assembly, as contained in the International Covenant on Civil and Political Rights. The European Union stood ready to engage constructively on the above concerns in order to address all manifestations of racism, racial discrimination, xenophobia and related intolerance in a comprehensive and unbiased manner. For all those reasons, the European Union had abstained from the vote.

33. **Ms. Nescher-Stuetzel** (Liechtenstein), speaking also on behalf of Canada, Iceland, Norway and Switzerland, said that those countries strongly supported all measures to fight racism, racial discrimination, xenophobia and related intolerance, including Nazism and neo-Nazism, and considered any form of racial discrimination as a serious human rights violation. They had ratified the relevant international conventions and fully supported the work of United Nations bodies as well as the Council of Europe in that regard. The increase in instances of discrimination, intolerance and extremist violence motivated by anti-Semitism, Islamophobia, Christianophobia and prejudice against persons of other religions and beliefs, as well as the activities of extremist political parties in many countries, were indeed reasons for concern.

34. While the draft resolution contained some important elements that contributed to the fight against racism, racial discrimination, xenophobia and related intolerance, it was regrettable that changes proposed by other delegations to broaden its scope had not been sufficiently taken on board. In addition, the timeliness of such a draft resolution was questionable, as many current forms of racial discrimination and xenophobia did not have their roots in Nazi ideology. Also, paragraphs which de facto restricted the rights to freedom of peaceful assembly, association, opinion and expression were cause for concern. A careful balance must be struck between freedom of expression and the fight against racism, as reflected in consensual resolutions adopted by the General Assembly and by the Human Rights Council. For those reasons, the five countries had abstained from the vote.

35. **Ms. Michaelidou** (Cyprus) said that her delegation was deeply alarmed by manifestations of neo-Nazism and was committed to combating such phenomena through policy and legislation, guided by the position of the European Union. Every effort must be made to provide effective protection from discrimination and hate, including through dialogue, education and awareness-raising.

36. While the openness of the consultations on the draft resolution had been appreciated, the text in question could have been further improved by accommodating concerns relating to paragraphs and references that went beyond the scope of the related agenda item. Nevertheless, what was of utmost importance was the unity within the international community in combating neo-Nazism and other such phenomena.

37. **Mr. Pouleas** (Greece) said that the world had commemorated the seventieth anniversary of the founding of the United Nations and the end of the Second World War in 2015. As that war had left Greece, and most other European countries, in ruins, his delegation was concerned about the appearance and rise of extremism in any form, including neo-Nazism, racism, intolerance and xenophobia. The international community should spare no effort to combat those phenomena. His delegation unreservedly condemned any attempt to glorify or otherwise promote Nazi ideology and all forms of religious and ethnic intolerance.

38. While his delegation appreciated the transparency of negotiations on the draft resolution, some of the elements it contained fell outside the human rights agenda and focused disproportionately on political issues that targeted countries. Those would best be left out, since the matter at hand was of global importance. Greece had therefore abstained during the vote.

39. **Ms. Belskaya** (Belarus) said that there was no place for the glorification of Nazism, neo-Nazism and other such practices in modern society, and yet many parts of the world were seeing an increase in extremist political parties and ideological movements, resulting in more frequent outbreaks of violence. Nazism had been branded as an evil at the Nuremberg Trial and its

rulings had been unanimously approved at the first session of the General Assembly in 1946. Fascist emblems such as the swastika and the black uniform could not be considered as inoffensive or as an expression of the right to freedom of speech.

40. The draft resolution sent out a moral message to the younger generation and helped to tackle efforts to rewrite the history of the Second World War and whitewash Nazism. As a country that had lost one third of its citizens during the Second World War, Belarus considered the issue of paramount importance. She called on Member States to preserve the memory of those who had given their lives for a future of peace and freedom.

41. **Ms. Rahimova** (Azerbaijan) said that her country had sponsored the draft resolution to honour the memory of all those who had made the ultimate sacrifice in defending humanity against Nazism and fascism, including several hundred thousand Azerbaijanis, and the shared determination of the international community to raise awareness of and stand against Nazi-inspired ideologies that continued to threaten international peace and security and the enjoyment of fundamental human rights and freedoms. The re-emergence of Nazi-inspired parties raised serious concerns, especially when such parties were in power. The Nazi ideology had produced a deadly catastrophe only after it was adopted as a State ideology and put into practice.

42. In that regard, her delegation wished to draw attention to the policies and actions of the Government of Armenia, which had adopted Nzhdehism, the racist ideology of a staunch Nazi collaborator, Garegin Nzhdeh. It was an ideology that fostered similarly irrational nationalistic sentiments, including the superiority of the Armenian people, a drive towards territorial expansion and a preference for war over peace. Garegin Nzhdeh and other Nazi collaborators were extensively promoted by the Government of Armenia. The ruling party, the Republican Party, openly acknowledged Nzhdehism as a national ideology and it formed part of the school curriculum.

43. In 2010, as broadcast by the public television station, Nzhdeh had been selected by television voters as a source of national pride and the most outstanding Armenian historical figure. In 2013, the Government of Armenia had sponsored a film about Nzhdeh, while numerous public places were named after him and monuments had been unveiled in his honour in the presence of high-ranking officials. Extremist ideologies were used by Armenian leaders to mobilize society to wage war against Azerbaijan and to carry out ethnic cleansing against Azerbaijanis. In that light, Armenia had no right to be among the sponsors of the draft resolution.

44. **Mr. Mnatsakanyan** (Armenia) said that his country had confronted Nazism and had direct experience of the consequences of racism, since it had suffered the first genocide of the twentieth century. It would continue to make every effort to fight Nazism and all forms of intolerance, racism and ideologies that risked the perpetration of crimes against humanity and genocide. Armenia had been promoting the prevention of genocide as a very important function of the international community and the United Nations and would continue to do so. His delegation was not in a position to reflect on the fantasies put forward by the representative of Azerbaijan.

Agenda item 68: Promotion and protection of human rights (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/C.3/71/L.27, A/C.3/71/L.54)

Draft resolution A/C.3/71/L.27: Moratorium on the use of the death penalty

45. **Mr. García Moritán** (Argentina), speaking on behalf of the main sponsors of the draft resolution, introduced two oral revisions. The words "through domestic decision-making" had been added at the end of paragraph 4, which would read: "Further welcomes initiatives and political leadership encouraging national discussions and debates on the possibility of moving away from capital punishment through domestic decision-making". In addition, paragraph 9 had been deleted. In line with their commitment to listen to all delegations and promote a constructive approach, those changes had been made after concerns had been expressed regarding the existing wording.

46. Despite their differing cultural backgrounds, the co-facilitators of the draft resolution, Argentina and

Mongolia, were both convinced of the importance of the moratorium as a tool that allowed countries retaining capital punishment to hold domestic and regional discussions on its use. For that reason, they had decided to add language welcoming political leaders to promote such discussions and the role of national human rights institutions as key partners in those debates. The draft resolution also encouraged countries with a moratorium in place, in law or in practice, to exchange views. The negotiations had been transparent and constructive and many of the proposals made had been included in the draft resolution.

47. **Mr. Khane** (Secretary of the Committee) said that Algeria, Eritrea, Guinea, Madagascar, Marshall Islands, Rwanda and Vanuatu had joined the sponsors.

48. **Mr. Gafoor** (Singapore), introducing the draft amendment contained in document A/C.3/71/L.54, said that his delegation rarely proposed amendments to draft resolutions; rather, it endeavoured to build consensus. However, it had been left with no choice since its concerns had not been adequately addressed. The draft resolution was deeply unbalanced and fundamentally flawed. It did not respect the sovereign right of States to develop their own legal systems in accordance with their international law obligations. It called for the death penalty to be abolished, when there was no international law prohibiting it and no international consensus against it. In other words, one group of countries was trying to impose its views on another.

49. His delegation welcomed the spirit of cooperation in which the representative of Argentina had proposed the oral revisions, but found the addition of "through domestic decision-making" at the end of paragraph 4 to be very puzzling. He questioned whether it was perhaps a code word for sovereignty or a euphemism for the sovereign rights of States. He wondered why States were so afraid to explicitly reaffirm the sovereign right of States to determine their own legal systems and the principles enshrined in the Charter of the United Nations. Singapore would not accept such code words or euphemisms and it considered the oral revisions to be too minor and too weak. In fact, they unwittingly and perversely undermined those same principles and did not change the fundamental nature of the draft resolution. The oral revisions did not address its flaws but rather were an indication of its flawed nature.

50. The draft amendment had three aims. The first was to reaffirm the principles enshrined in the Charter of the United Nations. There was no international treaty that proscribed the imposition of the death penalty, and no international consensus on its abolition. It was a sovereign national decision. The second was to reaffirm the universally accepted principles of national sovereignty and the accepted practices of international law. A treaty was only binding on the parties to that treaty; it did not create rights and obligations for non-parties without their consent. Only 83 States had ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights; in other words, less than half the United Nations membership. It was not reasonable or fair for those States to impose their views on others. The third aim was to promote mutual respect. Singapore did not wish to change the sovereign decision of others and requested that they extend the same courtesy to States that had decided to retain the death penalty. By advocating only one point of view, the draft resolution ignored the great diversity of legal, social and cultural conditions.

51. The draft amendment had been proposed from the start of the informal consultations. While the main sponsors of the draft resolution had engaged in constructive dialogue, they had not taken on board the suggestions made. Thus, Singapore had introduced the draft amendment, which was constructive and entirely consistent with the Charter of the United Nations. It was very disappointing that it had not been accepted.

52. **The Chair** said that the draft amendment had no programme budget implications.

53. **Mr. Khane** (Secretary of the Committee) said that Afghanistan, Antigua and Barbuda, Bahamas, Belarus, Belize, Brunei Darussalam, Korea (Democratic People's Republic of), Guyana, Iran (Islamic Republic of), Kuwait, Lesotho, Libya, Malaysia, Niger, Saint Kitts and Nevis, Sudan, Syrian Arab Republic, Suriname, Trinidad and Tobago and Viet Nam had joined the sponsors of the draft amendment.

54. **Mr. Ntwaagae** (Botswana) said that his delegation fully supported the draft amendment, which it considered progressive.

55. **Mr. Moussa** (Egypt) said that the proposed amendment reaffirmed the principle of the sovereignty of Member States as enshrined in the Charter of the United Nations. The principle of sovereignty was universal and represented the cornerstone of the United Nations system. That principle had been reaffirmed many times in the resolutions and declarations adopted by the General Assembly, and had never been contested by the membership. The amendment did not in any way contradict the aims and purposes of the resolution.

56. **Mr. Vanderley Cavalcanti Júnior** (Brazil) said that his delegation would vote against draft amendment A/C.3/71/L.54. Although Brazil respected the sovereign right of States to make their own decisions on legislative matters, nothing in the draft resolution on the moratorium on the use of the death penalty could be construed as an offense or a challenge to sovereignty. After several rounds of inclusive and transparent consultations, all interested delegations had had the opportunity to express their views on the draft and Member States whose views differed from those of the sponsors had raised their concerns, a process which had led to the reformulation of paragraphs. Furthermore, the text of the draft resolution was in line with the Charter of the United Nations, the International Covenant on Civil and Political Rights and all other relevant provisions of international law, which was in itself assurance of respect for the sovereignty of States. The proposed amendment thus did not add any value to the text but rather implied that the issue of the moratorium on the application of the death penalty did not fall within the purview of the General Assembly and should only be debated at the national level.

57. **Ms. Kirianoff Crimmins** (Switzerland) said that the focus of the resolution was a moratorium on the use of the death penalty and not the abolition of the death penalty. The sponsors of the draft resolution recognized the sovereignty of States over their own legal systems, but such sovereignty did not preclude the General Assembly or the Committee from discussing the issue and making recommendations on criminal justice matters. Human rights and crime fell within the purview of the Committee, and it was perfectly legitimate under the Charter for a General Assembly resolution to make recommendations on the matter. The draft resolution was respectful of the diversity of the views of the Member States. The amendment had been justifiably rejected by the membership for nine years, and even implied a disregard for the work of the Committee. Her delegation would therefore vote against the draft resolution.

58. *At the request of the delegation of Italy, a recorded vote was taken on the proposed amendment to draft resolution A/C.3/71/L.27 contained in document A/C.3/71/L.54.*

In favour:

Afghanistan, Algeria, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Bhutan, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, China, Cuba, Democratic People's Republic of Korea, Dominica, Egypt, Ethiopia, Gambia, Ghana, Guinea, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Japan, Jordan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lesotho, Libya, Malawi, Malaysia, Maldives, Mali, Myanmar, Namibia, Nauru, Nicaragua, Niger, Oman, Pakistan, Papua New Guinea, Qatar, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Singapore, South Africa, South Sudan, Sudan, Suriname, Syrian Arab Republic, Tajikistan, Timor-Leste, Tonga, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, United States of America, Viet Nam, Yemen and Zimbabwe.

Against:

Albania, Andorra, Angola, Argentina, Armenia, Australia, Austria, Belgium, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Bulgaria, Cabo Verde, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Estonia, Finland, France, Georgia, Germany, Greece, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mexico, Micronesia

(Federated States of), Monaco, Mongolia, Montenegro, Netherlands, New Zealand, Norway, Palau, Panama, Paraguay, Peru, Poland, Portugal, Republic of Moldova, Romania, San Marino, Serbia, Sierra Leone, Slovakia, Slovenia, Somalia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, and Venezuela (Bolivarian Republic of).

Abstaining:

Benin, Chad, Comoros, Djibouti, El Salvador, Fiji, Guatemala, Guinea-Bissau, Kazakhstan, Kiribati, Lebanon, Liberia, Mauritania, Morocco, Mozambique, Nepal, Nigeria, Philippines, Republic of Korea, Rwanda, Seychelles, Sri Lanka, Swaziland, Thailand, Vanuatu and Zambia.

59. *The proposed amendment to draft resolution A/C.3/71/L.27 contained in document A/C.3/71/L.54 was adopted by 76 votes to 72, with 26 abstentions.*

60. **Mr. Zvachula** (Federated States of Micronesia) moved to suspend the meeting for 10 minutes.

61. *A recorded vote was taken on the motion under rule 118 of the rules of procedure of the General Assembly.*

In favour:

Albania, Andorra, Angola, Argentina, Armenia, Australia, Austria, Belgium, Benin, Bosnia and Herzegovina, Brazil, Bulgaria, Cabo Verde, Cambodia, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, El Salvador, Estonia, Ethiopia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Kenya, Kiribati, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Morocco, Netherlands, New Zealand, Norway, Palau, Panama, Paraguay, Peru, Poland, Portugal, Republic of Moldova, Romania, Rwanda, Samoa, San Marino, Serbia, Slovakia, Slovenia, Somalia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Togo, United Kingdom of Great Britain and Northern Ireland, Uruguay and Yemen.

Against:

Afghanistan, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Bhutan, Botswana, Brunei Darussalam, Burundi, China, Cuba, Democratic People's Republic of Korea, Djibouti, Dominica, Egypt, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kuwait, Lesotho, Malaysia, Maldives, Mauritania, Myanmar, Nauru, Nepal, Nicaragua, Niger, Oman, Pakistan, Papua New Guinea, Qatar, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Singapore, South Africa, Suriname, Syrian Arab Republic, Timor-Leste, Trinidad and Tobago, United Arab Emirates, Viet Nam and Zimbabwe.

Abstaining:

Algeria, Central African Republic, Chad, Gambia, Ghana, Guinea, Guinea-Bissau, Japan, Kazakhstan, Kyrgyzstan, Liberia, Malawi, Mali, Mozambique, Namibia, Nigeria, Philippines, Republic of Korea, South Sudan, Sri Lanka, Swaziland, Thailand, United Republic of Tanzania, United States, Venezuela (Bolivarian Republic of) and Zambia.

62. *The motion was adopted by 80 votes to 53, with 26 abstentions.*

63. *The meeting was suspended at 12:10 p.m. and resumed at 12:25 p.m.*

64. **Mr. Khane** (Secretary of the Committee) said that Lesotho and South Africa had joined the sponsors of the draft resolution.

65. **Mr. Zvachula** (Federated States of Micronesia) said that although his delegation respected the fact that the amendment contained in A/C.3/71/L.54 had passed with a plurality of the votes, it wished to dissociate itself from that text. His delegation would remain as sponsors of the draft resolution and would invite all countries who had previously voted against or had abstained from voting on the draft resolution in previous years to join the Federated States of Micronesia in voting in favour of the draft resolution.

66. **Mr. Ružička** (Slovakia), speaking on behalf of the European Union and its member States, said that the European Union could not subscribe to the amendment contained in A/C.3/71/L.54, for the reasons

noted by the delegations of Switzerland and Brazil, and therefore dissociated itself from that paragraph. However, its inclusion might lead to increased support for the draft resolution among the members of the Committee. The essence and integrity of the draft resolution remained unchanged, and thus it should be supported. The European Union would vote for the draft resolution and continue to sponsor it.

67. **Mr. Shearman** (United Kingdom) said that his delegation welcomed the tabling of the resolution but regretted the amendment and therefore dissociated itself from it. However, the United Kingdom believed that the amendment would attract further support for a worldwide moratorium on the use of death penalty. In the two years that had passed since the adoption of the earlier resolution on the moratorium on the use of the death penalty, some States had considered reinstating the death penalty as a response to grievous terrorist attacks. The United Kingdom saw no moral justification or practical benefit to judicial killing, even in such circumstances. The death penalty neither deterred crime nor protected the public. It did nothing to aid victims, but rather undermined the value of human life, and when States carried out executions they merely created the conditions for terrorist violence to spread.

68. **Mr. García Moritán** (Argentina), speaking on behalf of Brazil, Colombia, Costa Rica, Dominican Republic, El Salvador, Honduras, Mexico, Panama and Paraguay, supported by **Ms. Shilo** (Israel), **Ms. Romulus** (Haiti), **Ms. Vieira** (Cabo Verde), **Mr. Daunivalu** (Fiji) and **Mr. Habich Morales** (Peru) said that their delegations wished to disassociate themselves from the amendment contained in document A/C.3/71/L.54 but would vote in favour of draft resolution A/C.3/71/L.27.

69. **Ms. Pritchard** (Canada) said that her country opposed the use of the death penalty in all cases, everywhere, even for those convicted of serious crimes. Where the death penalty was still in use, Canada advocated for adherence to international safeguards and standards, including respect for due process and fair trials. In accordance with the International Covenant on Civil and Political Rights, the death penalty must not be imposed arbitrarily, nor on people under the age of 18 and pregnant women. However, no justice system was infallible, and the implementation of the death penalty meant that any miscarriage of justice or other failure could not be reversed.

70. Canada regretted that the amendment hostile to the draft resolution had been adopted. The draft resolution as presented by its main sponsors was balanced and took into account the sovereign right of States to establish their own legal systems, and Canada therefore dissociated itself from the paragraph contained in the amendment. Nevertheless, given its importance, Canada would vote in favour of the draft resolution.

71. **Mr. Herrmann** (Observer for the Holy See) said that his delegation welcomed the draft resolution, and welcomed the decision of a number of States, across diverse regions of the world, to abolish the use of the death penalty. Rendering justice did not mean seeking punishment for its own sake, but rather ensuring that the aim of punishment was to rehabilitate the offender. Punishment without the hope for a return to society could not be considered just, and the right to life belonged to all, including the criminal.

72. **Ms. Serrao** (Angola) said that the increasing number of co-sponsors of the draft resolution each year indicated an emerging consensus in favour of the abolition of the death penalty. She encouraged all delegations to support the draft resolution as a step towards its total abolition. Her delegation disassociated itself from the amendment contained in document A/C.3/71/L.54.

73. **Mr. Clyne** (New Zealand) said that the exercise of sovereignty required full compliance with international obligations, including in relation to human rights and customary international law. Since capital punishment caused prisoners sentenced to death to suffer severe mental trauma and physical deterioration, his delegation considered that the application of the death penalty violated the prohibition of torture and cruel, inhuman or degrading treatment. His delegation viewed the amended paragraph on that basis.

74. **Mr. Mnatsakanyan** (Armenia) said that his delegation would vote in favour of the draft resolution because it supported the core objectives to abolish the death penalty in law and in practice. It disassociated

itself, however, from the amended paragraph, which weakened the focus of the draft resolution.

75. **Ms. Vangansuren** (Mongolia) said that her country had abolished the death penalty in law and in practice. Her delegation wished to disassociate itself from the amendment contained in document A/C.3/71/L.54 but would vote in favour of draft resolution A/C.3/71/L.27.

76. **Ms. Prizreni** (Albania) and **Mr. Yaremenko** (Ukraine) said that their delegations associated themselves with the statement made by the representative of Slovakia on behalf of the European Union.

77. **Mr. Ruidiaz Perez** (Chile) said that Chile was opposed to the death penalty. He reaffirmed his country's support for global efforts for a moratorium on the use of the death penalty in law and practice. Although his delegation would vote in favour of draft resolution A/C.3/71/L.27, it disassociated itself from the amendment contained in document A/C.3/71/L.54 because the concerns which had promoted its submission were already adequately addressed in the draft resolution.

78. **Mr. Gafoor** (Singapore) said that the adoption of the amendment contained in document A/C.3/71/L.54 reflected the strong will of United Nations members to respect the fundamental principles of national sovereignty and non-intervention, as enshrined in the Charter of the United Nations. Member States had reaffirmed their right to decide whether to abolish, retain, reintroduce or establish a moratorium on the use of the death penalty, in accordance with their obligations under international law. He was therefore displeased by the allegation that there had been hostile intent behind his delegation's proposed amendment. On the contrary, the intention had been to reaffirm the cardinal principles of the Charter of the United Nations.

79. He expressed deep concern at the failure to adhere to the rules of procedure following the voting on document A/C.3/71/L.54. His delegation had not objected to the unreasonable request by the representative of Micronesia to briefly suspend the meeting. It did object, however, to the dangerous precedent created by allowing delegations to disassociate themselves from a specific paragraph of a draft resolution. Under Rule 130 of the Rules of Procedure of the General Assembly, once an amendment had been tabled and adopted, the amended resolution must be decided upon in its entirety. If delegations no longer approved of a draft resolution, they should withdraw their sponsorship, rather than nullify the very spirit in which the vote had taken place and flout the rules of procedure. He requested the advisory opinion of the Legal Counsel on the matter.

80. Although the aim of the amendment had been to resolve the inherent flaws in the draft resolution, the document remained problematic. The disassociation of numerous Member States was particularly distressing. His delegation would therefore vote against the draft resolution and encouraged other delegations which cared about the rules of procedure to do likewise.

81. **Mr. Qassem Agha** (Syrian Arab Republic) said that his country aligned itself with the statement of the representative of Singapore and strongly supported the amendment contained in document A/C.3/71/L.54, which would send a strong message to those countries that continued to demonstrate scant respect for international consensus or the domestic legislation of other Member States on the application of the death penalty. It was utterly unacceptable that certain countries had chosen to use the issue of the death penalty to undermine other States' domestic legal frameworks. His delegation would therefore vote against the draft resolution. As for the request for the Committee to seek a legal opinion from a United Nations office of legal counsel, he asked the Chair whether there was indeed an office with the authority to issue such an opinion.

82. **Ms. Aching** (Trinidad and Tobago) said that her delegation would vote against the draft resolution. Capital punishment remained part of the domestic legal framework in Trinidad and Tobago for the crimes of treason and murder and her country was therefore statute-barred from implementing the measures outlined in the draft resolution. Safeguards were in place to guarantee rigorous adherence to due process and the rule of law when death sentences were handed down by the courts. The application of the death penalty was a criminal justice matter and countries had a sovereign right to develop their own legal systems in line with their international obligations, including to determine appropriate legal penalties in pursuit for

national security, order and peace. The application of capital punishment in Trinidad and Tobago was consistent with national and international law, including the International Covenant on Civil and Political Rights.

83. **Mr. Oussein** (Comoros) said that his delegation had intended to vote in favour of the amendment contained in document A/C.3/71/L.54.

84. **Mr. Bonny** (Papua New Guinea) said that his delegation supported the statement made by the representative of Singapore and would vote against the draft resolution.

85. *A recorded vote was taken on draft resolution A/C.3/71/L.27, as orally revised and amended.*

In favour:

Albania, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Belgium, Benin, Bhutan, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Cabo Verde, Cambodia, Canada, Central African Republic, Chile, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Eritrea, Estonia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Greece, Guatemala, Guinea, Guinea-Bissau, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Kazakhstan, Kiribati, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Mali, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Mozambique, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Palau, Panama, Paraguay, Peru, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, Rwanda, Samoa, San Marino, Serbia, Sierra Leone, Slovakia, Slovenia, Somalia, South Africa, South Sudan, Spain, Sri Lanka, Suriname, Swaziland, Sweden, Switzerland, Tajikistan, the former Yugoslav Republic of Macedonia, Togo, Tunisia, Turkey, Turkmenistan, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of).

Against:

Afghanistan, Antigua and Barbuda, Bahamas, Bangladesh, Barbados, Belize, Botswana, Brunei Darussalam, Burundi, China, Democratic People's Republic of Korea, Dominica, Egypt, Ethiopia, Guyana, India, Iran (Islamic Republic of), Iraq, Jamaica, Japan, Kuwait, Libya, Malaysia, Maldives, Oman, Pakistan, Papua New Guinea, Qatar, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Singapore, Sudan, Syrian Arab Republic, Trinidad and Tobago, United States of America, Yemen.

Abstaining:

Bahrain, Belarus, Cameroon, Chad, Comoros, Cuba, Djibouti, Ghana, Indonesia, Jordan, Kenya, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Mauritania, Morocco, Myanmar, Niger, Nigeria, Philippines, Republic of Korea, Seychelles, Thailand, Tonga, Uganda, United Arab Emirates, United Republic of Tanzania, Viet Nam, Zambia, Zimbabwe.

86. *Draft resolution A/C.3/71/L.27, as orally revised and amended, was adopted by 115 votes to 38, with 31 abstentions.*

The meeting rose at 1.10 p.m.